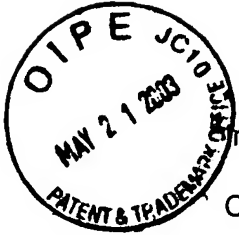


Rec'd T/PTO 21 MAY 2003
10/089452

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Christian REITER et al.

Application No. 10/089,452

Confirmation No. 9277

Filed: March 29, 2002

For: IMPROVED METHOD FOR
DETECTING ACID RESISTANT
MICROORGANISMS IN THE
STOOL

Art Unit: (Unassigned)

Examiner: (Unassigned)

Atty. Docket No. 105032-991200
(former ref. no. 42314)

Customer No.

35928

35928

PATENT TRADEMARK OFFICE

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

MAIL STOP: MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Further to the submission of the executed Declaration on January 27, 2003, it should be noted that an Application Data Sheet was filed on March 29, 2002, copy attached hereto. Hence, it is believed the Declaration filed January 27, 2003 is proper and the Notification of Defective Response mailed April 21, 2003, copy attached hereto, is improper and must be vacated.

In any event, in response to the Notification of Defective Response dated April 21, 2002, resubmitted herewith are the following:

- Executed Declarations & Power of Attorney (2 documents)
- Application Data Sheet

OFFICIAL FEES:

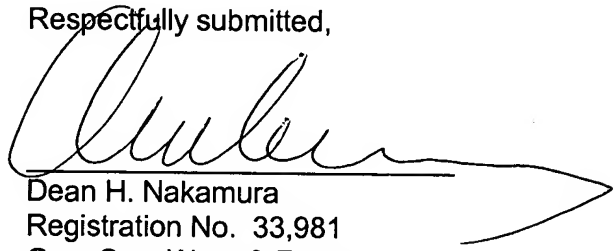
TOTAL FEES ENCLOSED:

\$0.00

Applicant: Christian REITER et al.
Application No. 10/089,452

Applicants hereby authorize to charge any additional fees which may be required for this Response to Deposit Account No. 07-1896, and to notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dean H. Nakamura', written over a horizontal line.

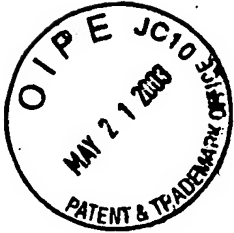
Dean H. Nakamura
Registration No. 33,981
Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036

Telephone: (202) 238-7731
Facsimile: (202) 238-7701

Date: May 21, 2003

FILING RECEIPT Rec'd PCT/PTO 21 MAY 2003

PLEASE DATE STAMP AND RETURN YELLOW SHEET TO:



Dean H. Nakamura
Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036

10/089452

In re application of:

Christian REITER, et al.

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PATENT TRADEMARK OFFICE

PAPER(S) FILED ENTITLED:

1. Response to Notification of Defective Response
(w/executed Declarations [3 sheets] and Application Data
Sheet)
2. Notice of Change of Address & Attorney Docket Number

Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036
Telephone: (202) 238-7731
Facsimile: (202) 238-7701

DOCKET NO.: 105032-991200 (formerly 42314)
ATTORNEY/SEC: DNakamura/pmakle

Date Filed: 21 May 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/089,452

FIRST NAMED APPLICANT

Christian Reiter

ATTY. DOCKET NO.

42314

INTERNATIONAL APPLICATION NO.

PCT/EP00/10058

I.A. FILING DATE

10/12/2000

PRIORITY DATE

10/12/1999

CONFIRMATION NO. 9277

371 FORMALITIES LETTER



OC00000000986858

Docketed By: *pm*

Date Docketed: _____

Attorney: _____

C/M No. 10532.9912.00

APR 28 2003

Date Mailed: 04/21/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 03/29/2002
- Copy of the International Search Report filed on 03/29/2002
- Copy of IPE Report filed on 03/29/2002
- Preliminary Amendments filed on 03/29/2002
- Information Disclosure Statements filed on 03/29/2002
- Biochemical Sequence Diskette filed on 03/29/2002
- Oath or Declaration filed on 01/27/2003
- Biochemical Sequence Listing filed on 03/29/2002
- Small Entity Statement filed on 03/29/2002
- Request for Immediate Examination filed on 03/29/2002
- U.S. Basic National Fees filed on 03/29/2002
- Priority Documents filed on 01/27/2003

Doc'd _____	File _____
Rec'd	
APR 28 2003	
ROYLANCE, ABRAMS BERDO & GOODMAN, L.L.P. BY <i>CB</i>	

Applicant's response filed 01/27/2003 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/27/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing

Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Additionally the following defects have been observed:

- The oath of declaration does not comply with 37 CFR 1.63 in that it:
 - does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 305-6421

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/089,452	PCT/EP00/10058	42314